

IN THE GRAND COURT OF THE CAYMAN ISLANDS



489  
CAUSE NO: OF 2008

IN THE MATTER OF AN APPLICATION BY GABRIELLE DARCEY OF 516 FAIRWIND DRIVE, NORTH PALM BEACH, FLORIDA, 33408, U.S.A. THE DULY APPOINTED ADMINISTRATOR FOR ALL MATTERS IN RELATION TO HERBERT PEINTNER, FOR AN ORDER AUTHORIZING THE SAID GABRIELLE DARCEY TO ACT ON BEHALF OF HERBERT PEINTNER AND FOR A DECLARATION THAT AS THE DULY APPOINTED ADMINISTRATOR FOR HERBERT PEINTNER SHE IS THE RELEVANT PRINCIPAL OF ANY CORPORATE ENTITIES IN RELATION TO WHICH HERBERT PEINTNER HAS AN INTEREST

AND

IN THE MATTER OF A RULING OF THE COUNTY COURT OF LINZ, REPUBLIC OF AUSTRIA IN ACTION NUMBER GZ:5 P 23/08/1p/18

AND IN THE MATTER OF SECTION 14 OF THE GRAND COURT LAW (2008 REVISION)

AND IN THE MATTER OF THE MENTAL HEALTH LAW (1997 REVISION)

AND IN THE MATTER OF AN APPLICATION PURSUANT TO ORDER 80 GRAND COURT RULES

BETWEEN:

(1) GABRIELLE DARCEY APPLICANT

AND

(1) HERBERT PEINTNER RESPONDENT

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EX-PARTE ORIGINATING SUMMONS

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LET ALL PARTIES CONCERNED attend before a Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of , 2008 at o'clock, on the hearing of an application by the Applicant for orders and declarations as follows:

1. **THAT** Gabrielle Darcey of 516 Fairwind Drive, North Palm Beach, Florida 33408, U.S.A., the Applicant herein be duly appointed Guardian and Receiver of all matters relating to Herbert Peintner born on 21 May 1933 pursuant to the Ruling of the County Court of Linz, Republic of Austria, (the "*Austrian Court*") dated 19 June 2008 which Ruling supersedes the previous ruling of the Austrian Court dated 19 March 2008 and which extends to the assets of and any interest whether legally or beneficially owned or held by Herbert Peintner individually or jointly with another person, his successors, assigns, agents, servants, employees and any persons in active concert with them and to the assets of any corporate entity in relation to which Herbert Peintner owns or controls or has held an interest in.
2. **THAT** the said Gabrielle Darcey is hereby authorized to act on behalf of Herbert Peintner and any corporate entity in relation to which he holds an interest within the jurisdiction of this honourable Court.
3. **THAT** the said Gabrielle Darcey is authorized and permitted to take all steps necessary or advisable to locate, collect in and where necessary, liquidate all assets subject to the Ruling of the Austrian Court belonging legally or beneficially to Herbert Peintner and to any corporate entity in relation to which Herbert Peintner has or has held an interest within the jurisdiction of this Court, and to make inquiries and requests for information and documents in whatever form, relating to the assets of Herbert Peintner and any corporate entity in relation to which he has or has held an interest which may be in the possession or control of any person, bank or corporate entity within the jurisdiction of this Court.
4. **THAT** the said Gabrielle Darcey be authorized to take possession of and receive, distribute and/or deal with such assets in accordance with the directions and/or orders of the Austrian Court.
5. **THAT** the said Gabrielle Darcey be authorized to issue proceedings in her own name as Receiver of Herbert Peintner and in the name of any corporate entity in relation to which Herbert Peintner holds or has held an interest of which Gabrielle Darcey is recognized as Receiver, or to defend and/or intervene in proceedings in this

honourable Court as duly appointed Receiver of Herbert Peintner or any corporate entity in relation to which Herbert Peintner holds or has held an interest as shall be necessary for the purposes of performing her duties thereunder.

6. **THAT** the said Gabrielle Darcey be at liberty to apply to this Court for further directions from time to time as Receiver in relation to any matters arising from the Orders of this Court upon proper notice to such person or persons as may be ordered by this Court.
7. **THAT** the said Gabrielle Darcey is the relevant principal of Herbert Peintner and of any corporate entity in relation to which Herbert Peintner holds or has held an interest for the purpose of the *Confidential Relationships (Preservation) Law (Law 16 of 1976) (1995 Revision)* and that Gabrielle Darcey may be treated as such by any person, bank or company within the jurisdiction to whom an inquiry is directed in relation to Herbert Peintner and any corporate entity in relation to which he holds or has held an interest.
8. **THAT** there shall be liberty to apply generally.

DATED this <sup>th</sup> 16 day of October 2008.



**CHARLES ADAMS, RITCHIE & DUCKWORTH**  
**Attorneys-at-Law for the Applicant herein**

TO: THE CLERK OF COURT

Filed by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for the Applicant herein, whose address for service is that of his attorneys, P.O. Box 709GT, Zephyr House, Mary Street, Grand Cayman, Cayman Islands.